

COPY

EXHIBIT 1



NOTICE OF SUSPENSION

TO:

RE:

Student's Last Name

First

SCHOOL:

GRADE:

This is to inform you that the above named student has been suspended from school for a period of 5 days and may not return to school until 11/10/04

This action is being taken as a result of ASSAULT - UNWORTHY AREA

This suspension is based on the facts, which have been presented to me. Your child has been given an opportunity to present his/her side of the story.

During the time of this suspension the student:

- a. is not to be on school property, including the school grounds.
- b. may not attend or participate in any school activity.

A conference with the school staff has been scheduled at SCHOOL on Nov. 10/04

Please call the school to confirm your attendance.

If you wish to appeal the suspension, you must notify the school principal immediately. If you are unable to resolve your concerns with the principal, the next level of appeal is to the District Office. For elementary appeals please contact 454-2525 and for secondary appeals please contact 454-2557. Appeal to the District Office must be done within one day following the verbal notification.

Signature of Administrator

Telephone Number

Date

I have been given an opportunity to tell my side of the story

Signature of Student

Date

NOTE: IF SUSPENSION IS A RESULT OF A VIOLATION INVOLVING WEAPONS OR DRUGS, THIS LETTER IS FORMAL NOTIFICATION AS REQUIRED BY HB651.

Cc: Principal
Parent
Student
File

Form 243
Rev: 5/02

EXHIBIT 2



EXTENSION OF SUSPENSION

19 November 2007

Date

[Redacted]

[Redacted]

Dear Parent:

Your child has been involved in an offense, which will result in alternative placement or expulsion. Therefore, the Superintendent's Designee has authorized an additional five-day suspension for your child. The five-day suspension includes the following dates: NOV 22, 23, 29, 30 + DEC. 1

The student is scheduled for an alternative placement meeting on the following date: DEC 2 8 AM If the student is recommended for expulsion, the District Office personnel will contact you to schedule a time for the expulsion hearing. DEC 13 9 AM

If the process is not completed by the 11th day of suspension, special education instruction will be provided for your child, but your child may not return to school until after the District meeting or hearing is completed. He/she may not be present on school property or attend any school activity. Your child may make up missed work during a suspension.

If you have any questions you may contact the school office.

Sincerely,

[Signature]
Signature of Administrator

19 November 2007
Date

Cc: Principal, Parent, Student, File

APPENDIX 1 (Continued)

Referral to the Courts

Referral to the Courts is the filing of a charge of an alleged illegal action with the Courts having jurisdiction.

Removal from Class

A teacher may remove a student from class for the remainder of the class period when the student's conduct is seriously disruptive and informal resolution is impractical. Exclusion may not exceed one class period. The student must be sent to a supervised area designated by the principal.

An administrator may temporarily remove a student from class if the student's continued attendance in a particular class causes serious disruption of the educational process or presents immediate danger of physical harm to either the student or others. Removal from class by an administrator shall not exceed five (5) school days; however, a student may be permanently removed from a particular class after repeated infractions.

Reprimand

A reprimand is a written or verbal notification of unacceptable behavior.

Restitution/Restoration

Restitution/Restoration is the payment for and/or restoring of property or articles, which have been damaged, lost, or stolen.

Suspension

Suspension is a student's temporary exclusion from regular school attendance and activities by an administrator for a period not to exceed five (5) consecutive school days. Suspensions of five to ten days requires the Superintendent's/Designee's approval. Students are eligible to make up missed assignments.

Work Assignment

A work assignment is an assigned task, which must be completed by the student in the time specified by the administrator. When possible and appropriate a work assignment should be related to the offense. This could also include community service under adult supervision.

EXHIBIT 3

STATE OF DELAWARE)

In the interest of:)

~~Re [REDACTED]~~)

Case No.(s) 0411009971

Respondent)

PLEA AGREEMENT

Respondent will plead guilty to:

Assault III

1st Degree

State will enter a Nolle Prosequi on:

~~1st Degree~~ Assault II

State will recommend:

Indef. Commit. Level II susp for
1 Year Level II (DCI)
w/4 slow down at disc of prob.

4 hours of comm. serv. X

Other agreement:

No contact w/ [REDACTED] La [REDACTED] or co-AS
[REDACTED] or A [REDACTED] or [REDACTED]
Res. 1 to (u) 1/6/d's, w/ [REDACTED] of plan
Bull. w/ [REDACTED]

Attorney for Respondent

Deputy Attorney General

Date: 12/5/04

cc: Family Court
Attorney General
Attorney for Respondent
Respondent

Respondent

Parent/Guardian of Respondent

EXHIBIT 4

SUMMARY OF BUILDING LEVEL CONFERENCE

Student Name: R [REDACTED] W [REDACTED] Date of Conference: 12-2-04
 Parent/Guardian Name: S [REDACTED] W [REDACTED] Date of Incident: 11-8-04
 School: Shue-Medill MS Time of Conference: 8:20 am

Attendees:	Name	Role
	<u>[REDACTED] W [REDACTED]</u>	<u>Mother</u>
	<u>Dr. Freeman Williams</u>	<u>Dist. Liaison</u>
	<u>Dr. Gina Moody</u>	<u>Asst. Princ. Moody</u>
	<u>Mary Ann Stey</u>	<u>8th gr. Guidance</u>
	<u>Charles A. Carter</u>	<u>Dean of Students</u>

DISCUSSION OF INCIDENT: (Summary of comments from parent, student, and administrator) List evidence discussed.

Ms. [REDACTED] - Concerned about Shue staff not implementing Code of Conduct / Dress Code; Code of Conduct should be implemented consistently.

Dr. Moody - To focus on what R [REDACTED] did, we had to follow the Code as a Level 3 offense.

Dr. Williams - Dress Code "infraction" is irrelevant; we need to discuss R [REDACTED] actions

STUDENT/PARENT/GUARDIAN COMMENTS

Ms. [REDACTED] - R [REDACTED] is involved in many community activities, he's compassionate, he has shown remorse. Asks for is to give son another chance to redeem himself. Willing for R [REDACTED] to do community service, write essay. He made big mistake - should not be penalized

SPECIAL NOTES: • Unusual circumstances • Other comments

RECOMMENDATION

Refer case to District for review

Administrator Signature: Gina A. Moody

SL:pl

EXHIBIT 5



Important
Information for
Students & Parents!

Student Code Of Conduct

Student Rights and Responsibilities
Grades Kindergarten through 12
Revised Edition, July 2004

APPEALS/GRIEVANCES**Philosophical Basis:**

A grievance may be filed when a student feels that he/she has been unfairly treated or has not been afforded due process. Students have the responsibility to discuss and to try to resolve their complaints with the person(s) involved before using the grievance procedure. Schools are responsible for providing means for students to express and resolve their grievances.

RIGHTS**RESPONSIBILITIES****Students have the right:****Students have the responsibility:**

- | | |
|---|--|
| <ul style="list-style-type: none"> 4. To be provided with a procedure for expressing and resolving their grievances. This procedure specifies lines of communication, time lines, and a method of appeal. 4. To participate in the evaluation and modification of the grievance procedure through their student government. | <ul style="list-style-type: none"> 2. To state the grievance clearly, to follow established procedures for resolving the grievance, and to abide by the decision resulting from this process. 2. To express concerns about the grievance procedure to student representatives. |
|---|--|

APPEAL PROCESS FOR SUSPENSION**Grounds for an appeal are limited to the following:**

- 0. Due Process and/or District procedures have not been followed
- 0. The penalty exceeds the Code of Conduct
- 0. Parent believes additional information is available

Building Level

- 0. The parent/guardian must request a review of the situation with the Building Principal/Designee when an appeal is being requested, stating the grounds for the appeal.
- 0. The request for a review must occur within one (1) school day of notification of the suspension.
- 0. The "Out of School" suspension will not be enforced until the appeal process has been completed, unless the student presents a danger to other students and staff.

District level

- 1. If the principal's decision at the building level is not acceptable to the parent/guardian, the decision may be appealed to the Superintendent/Designee. Such appeal must be filed no later than one (1) school day following the principal's decision.
- 1. The Superintendent/Designee shall resolve the appeal by investigating the problem or reviewing the written appeal/records.
- 1. Parents will be notified of the decision within three (3) school days.
- 1. The decision of the Superintendent/Designee shall be the final decision of the School District.

APPEAL PROCESS FOR SUSPENSION (Continued)

GRIEVANCE PROCEDURES

Students and their parents/guardians as their representatives have all the rights given to every citizen by the Fifth and Fourteenth Amendments to the U.S. Constitution. Many of these rights which pertain specifically to education are defined in this document. These rights are protected through a procedure called due process.

Students and their parents/guardians are encouraged to become familiar with this due process procedure.

Student Grievance

A grievance is another name for a complaint. A student grievance exists when it is alleged that a student has been unfairly treated or has not been afforded due process.

The following persons or groups of persons may use the grievance procedure:

3. Individual students or groups of students;
3. Parents/Guardians of a student;
3. Groups of parents/guardians of students.

The grievance procedure may be used in any of the following situations:

- B. Where it is alleged that any student or group of students:
 0. is being denied access to an appropriate educational opportunity;
 0. is being denied participation in any school activity for which the student is eligible;
 0. is being denied the opportunity to compete for a position in an activity where the selection is limited;
 0. is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.
- B. Where it is alleged that the rights of an individual student and/or a group of students are being denied or abridged.

GRIEVANCE PROCEDURES (Continued)

Grievance Procedure

When the grievance procedure is used these steps shall be followed:

3. The grievant is encouraged to talk with a staff member for advice.
3. The grievant shall request, in writing, a conference with the teacher or person(s) who allegedly treated the student unfairly within three (3) school days of the event.
3. Conference shall be held within four (4) school days after request.
3. If the conference does not resolve the complaint the grievant may talk with the supervisor of the staff member.
3. If the grievance is not resolved during the two meetings, the grievant may file a written grievance with the principal within three (3) school days of the conference.
3. If the principal fails to resolve the issue to the satisfaction of the grievant, the grievant will, upon request, be given a written notice by the principal within three (3) school days after the conference with the principal stating the reason(s) the problem could not be resolved.
3. If the decision at the school level is not acceptable, that decision may be appealed to the Superintendent. The appeal must be filed in writing not later than five (5) school days following the date of receipt of the principal's written decision. The Superintendent/Designee shall resolve the grievance by investigating the problem, holding conferences with the involved parties, or reviewing the written grievance record.
3. The decision of the Superintendent/Designee shall be the final decision of the school system. A copy of the Superintendent's/Designee's final decision shall be sent to all involved parties not later than ten (10) school days following receipt of the appeal by the Superintendent/Designee.

GRADES 6-12

VIOLATIONS - LEVEL III

Expectations: Students will observe the laws of society.

Consequences: When students commit violations, which endanger themselves or others or are major offenses against the school or community they are subject to severe consequences, including expulsion from school. Some illustrations of violations and resulting consequences are listed below.

SITUATION

CONSEQUENCE

Arson

Any act utilizing fire, smoke, or explosives which causes alarm or danger to life; and/or willful or malicious burning of school property, it's contents, or the personal property of others.

Each Offense (all of the following): 1) Parent/Guardian notification, 2) suspension for five (5) days, 3) parent/guardian conference, 4) notification of police; charges may be filed, 5) restitution/restoration, if necessary, 6) recommendation to appropriate counseling or social service agency(s), 7) possible recommendation for alternative placement or expulsion.

Assault

An unlawful physical attack using force upon a person resulting in physical injury.

Each Offense (all of the following): 1) Parent/Guardian notification, 2) suspension for five (5) days, 3) parent/guardian conference, 4) notification of police; charges may be filed, 5) restitution/restoration, if necessary, 6) recommendation to appropriate counseling or social service agency(s), 7) possible recommendation for alternative placement or expulsion, and 8) referral to mediation, if appropriate.

CHAPTER 5: DISCIPLINARY PROCEDURES

Assignment to Alternative Programs

Assigned to alternative programs is the placement of a student, with appropriate consideration of due process, in a program designed to meet the student's particular needs. Alternative programs may be located at the student's home school, another school site, or an alternative location.

- B. Prior to placement in an alternative program the student and the student's parents/guardians shall be conferred with about the student's need to be in the special program.
- B. Following the conference, the student and the student's parents/guardians shall be given written notice of:
 - 11. the circumstances which led to the placement;
 - 11. how the special program is designed to meet the student's needs; and
 - 11. the conditions, which must be met in order for the student to return to the regular school, program.
- B. Continued offenses after placement in an alternative program will be considered a serious breach of this Code and may result in a possible recommendation for expulsion.

Corporal Punishment Corporal punishment will not be administered in any Christina school.

Bus Privileges

Students and parents/guardians have the responsibility to know and respect the rules as described in the School Bus Safety Regulations manual. The Code of Conduct will apply to all violations while boarding, riding, or exiting buses.

Bus Privileges (grades K-6)

Students must follow School Bus Safety Regulations as follows: 1) follow driver directions, 2) remain in seat and keep aisle clear, 3) do not throw objects in, out, or around bus, 4) NO fighting, 5) talk quietly, 6) no eating, drinking, or smoking, 7) do not damage bus property, 8) do not tamper with emergency doors, controls, or windows.

Consequences: (in progression of offenses): 1) warning, 2) temporary seat change, 3) on-bus conference with child. Driver, school administrator and parent notification, 4) on-bus conference with child, driver, school administrator, and/or permanent seat reassignment and parent notification, 5) conference with parent, child, and school administrator, 6) loss of riding privileges for one to five (1-5) days. **Severe Behavior** such as property damage, hitting driver, fire setting, and abuse of emergency equipment will result in steps five and six (5&6) being implemented by the school administrator.

Suspension from School

Suspension is the temporary removal of a pupil from the regular school program.

Prior to a suspension from school the student shall:

- 0. be given oral or written notice of the charges and be told on what evidence the decision may be made;
- 0. be given the opportunity to present the student's side of the story; and
- 0. have had prior opportunity to know that the alleged actions were in violation of established rules and regulations.

SUSPENSION FROM SCHOOL (Continued)

The parent will be advised that the suspension may be appealed to the next administrative level.

Generally the notice and conference should precede the student's removal from school. However, if this is not feasible or if the immediate removal of the student from school is necessary to protect the safety of individuals, property, and/or the educational process, the necessary notice and conference, if requested, will follow as soon as practical.

In all cases of suspension an attempt shall be made to notify the parents/guardians by telephone to request that the student be picked up from school. Students whose parents/guardians cannot be reached by telephone will be retained at school until the end of the school day.

When a student is suspended, written notification of the suspension shall be sent to the parent/guardian within twenty-four (24) hours. The notification shall state the cause and duration of the suspension. If the suspension is for more than three (3) days a definite time and date for a conference shall be scheduled at a place designated by the school administrator. The principal/designee is required to hold a conference, to include the parent and child, prior to the readmission of the student.

EXPULSION OF THE STUDENT PROCEDURES

When it is alleged that a student committed a violation of the Student Code of Conduct, which may result in a recommendation for expulsion the following procedures, shall be followed:

Step I -Building Level

An administrator will conduct a preliminary investigation to determine if there is a reasonable cause to pursue disciplinary action. The administrator will inform the student of the charges. The student will be given an opportunity to "tell his/her side of the story " If it is decided to proceed the following will be instituted:

0. Student will be suspended according to the Code of Conduct;
0. Student will be given written notice of charges;
0. The student and parent/guardian will be informed of the date/time of the conference to review the case. The conference will be held at a mutually agreeable time as soon as possible, but within five (5) school days from the first day of suspension. If agreement cannot be reached within the five-day limit the principal/designee will set the date/time. Notification of the scheduled conference will be sent to the parent/guardian. Telephone contact will also be attempted.
0. At the conclusion of the conference the principal/designee will inform the parent/guardian if expulsion is to be recommended;
0. If the decision is to recommend expulsion the recommendation, along with all back-up materials, must be submitted to the Superintendent/Designee within two (2) days of the conference; and
0. Days, as used at this level, shall mean school days unless it is the end of the school year; then days shall mean calendar days including Saturday, Sunday, and holidays.

EXPULSION PROCEDURES (Continued)**Step II -District Level**

Upon receipt of a recommendation of expulsion from the building level the following will be implemented:

- S. The Superintendent/Designee will notify the student and the parent/guardian that a formal Hearing will be held to consider the recommendation for expulsion.
- S. The Hearing shall be held not less than three (3) nor more than ten (10) calendar days after receipt of Notice of Hearing. The Notice of Hearing shall be deemed to be received on the third calendar day following the day of mailing. This time period may be waived by agreement of the parties.
- S. The Notice of Hearing will be sent by certified mail or hand delivered and shall give the date, time, and location of the Hearing. A copy of the Christina School District Expulsion Procedures will also be included with the Notice.
- S. The student and parent/guardian will also be given the following:
 - 0. The reason(s) for the recommendation of expulsion;
 - 0. The names of the witnesses who will appear at the Hearing; and
 - 0. Copies of statements/information that will be submitted as evidence at the Hearing.
- S. At least twenty-four (24) hours prior to the Level II Hearing the parent/guardian must submit the following information to the District:
 - 0. Name of the student advocate or legal counsel (if the student will be represented by one); and
 - 0. Names of any witnesses who will be brought to the Hearing.

(Note: If any of the witnesses are minors a copy of the parent's/guardian's permission for the child to attend must also be included.)
- S. The Hearing shall be conducted by a hearing officer/panel selected by the Superintendent/Designee. The hearing officer/members of the panel may be employees of the District, but must not have been involved in the process at the building level.
- S. The hearing officer/panel shall have full authority to admit or exclude evidence. The hearing officer/panel, in conducting the Hearing, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer/panel shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal, and cross-examination shall be excluded. The witnesses shall be required to swear or affirm their testimony.
- S. In conducting the Hearing the District shall submit evidence first followed by the response of the student, if any. Further rebuttal evidence by either party may be presented if the hearing officer/panel determines such evidence is necessary.